

Peter Szanto 949-887-2369
11 Shore Pine
Newport Beach CA 92657

U.S. BANKRUPTCY COURT

DISTRICT OF OREGON

1001 SW 5th Ave #700 Portland, OR 97204 (503) 326-1500

16 –bk-33185 pcm7

In Re Peter Szanto, Debtor

DEBTOR’S Notice of Motion
and Motion to Extend the
Time of the Hearing
Regarding Decision on Relief
From Stay Motion

HEARING REQUESTED

May it please this Honorable Court.

To the creditors, their counsel and the U.S. Trustee, please take notice, debtor Peter Szanto, herewith and hereby makes motion to extend the time of the hearing set for 4-3-19, whereat JPMorgan’s Relief from Stay Motion will be decided.

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Motion to Extend Time of Decision as to Relief from Stay Motion – pg. 1

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2 **1. Debtor's Certification Relating to Pre-filing Conferral**
3 **(Certification Pursuant to LBR 7007-1 (a))**
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5 On 3-29-19, Debtor telephoned attorneys Cunningham and Shahak
6 who both represent JPMorgan Chase. Mr. Cunningham responded by e-mail
7 that he did not want to converse. Mr. Shahak has not responded.

8
9 Thereupon, pursuant to LBR 7007-1(a)(1)(A): a good faith effort at
10 resolution was made, but the parties were unable to resolve the conflict as to
11 the issues which are the subjects of this motion, because neither of the
12 attorneys was prepared to act on behalf of their client.

13
14 I certify under penalty of perjury under the laws of the United States,
15 that foregoing is true and correct. Signed at Irvine CA
16

17 Dated 4/1/ 2019 /s/ signed electronically Peter Szanto
18

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20 **2. NOTICE PER LBR 9013-1(b)**

21 **Notice!!! If you oppose the proposed course of action or relief sought in this motion,**
22 **you must file a written objection with the bankruptcy court no later than 14 days**
23 **after the date listed in the certificate of service below. If you do not file an objection,**
24 **the court may grant the motion without further notice or hearing. Your objection**

25
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Motion to Extend Time of Decision as to Relief from Stay Motion – pg. 2

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2 must set forth the specific grounds for objection and your relation to the case. The
3 objection must be received by the clerk of court at ** 1050 SW 6th Ave – Room
4 #700 Portland OR 97204 ** by the deadline specified above or it may not be
5 considered. You must also serve the objection on Peter Szanto at 11 Shore Pine,
6 Newport Beach CA 92657 within that same time. If the court sets a hearing, you will
7 receive a separate notice listing the hearing date, time, and other relevant
8 information.
9

10 11 3. FACTS

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13 At the hearing of 3/28/19 Chase revealed that it did not possess
14 the note evidencing its claims made against debtor.

15
16 Debtor contends that without the ability to prove its claim against
17 debtor, Chase cannot seek relief from the 11 USC § 362 stay, because
18 there is no foundational claim upon which to base relief.

19
20 Debtor has perfected an application asking this Court, forthwith,
21 to reconsider approval of Chase's claim. And deny that claim in its entirety.

22
23 Decision as to the relief from stay motion would be premature
24 and erroneous if Chase's claim is to be denied. Thereupon, an extension
25 is appropriate.

4. MEMORANDUM

FRBP Rule 9006(b)(1) is the rule which allows for enlargement and extension of time and provides (no local alters this rule):

"In general. Except as provided in paragraphs (2) and (3) of this subdivision, when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order."

The decision on the stay application is set for 4/3/19. Debtor is making application for extension prior to that time.

a. Good Cause: Motion to Reconsider May Vacate **Basis for Relief from Stay**

The first good cause for extension is that debtor has perfected an application to vacate allowance of Chase's claims.

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2 If Chase's claims are denied, there will be no basis for relief from
3 stay.

4
5 Thus, it would be premature granting relief from stay to a creditor
6 who has no claim.

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8 **5. Declaration**

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10 1. My name is Peter Szanto.

11
12 2. I am the debtor herein.

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14 3. This is my truthful declaration relating to the need for an extension
15 as to the decision about the Motion for Relief from Stay.

16
17 4. I have made application to deny Chase's claims against me.

18
19 5. It would be premature to decide Chase's relief from stay motion
20 without deciding the validity of Chase's claim.

21
22 9. I declare under penalty of perjury under the laws of the United
23 States that the foregoing is true and correct. Signed at Irvine CA.

24
25 Dated 4/1/ 2019 /s/ signed electronically Peter Szanto

1
2 **6. Conclusion**
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4 For the reasons enumerated, and other reasons to be explained
5 at the hearing, debtor prays extension of the time of decision as to relief
6 from stay until decision on denial of Chase's claim.
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9
10 Respectfully,

11
12 Dated 4/1/ 2019 /s/ signed electronically Peter Szanto
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2 **PROOF of SERVICE**
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4 My name is Maquisha Reynolds, I am over 21 years of age and not a party to
5 the within action. My business address is PO Box 14894, Irvine CA 92623
6

7 On the date indicated below, I personally served the within: **Motion**
8 on the following by placing in postage pre-paid envelopes of the within
9 document and mailing same:

10 a. Internal Revenue Service, PO Box 7346, Philadelphia PA 19101

11 b. First Service Residential, 15241 Laguna Canyon Rd, Irvine CA 92618

12 c. JPMorgan Chase Bank, represented by: Gadi Shahak c/o Shapiro &
Sutherland

13 1499 SE Tech Center Place, Suite 255 , Vancouver, WA 98683

14 d. Bank of America, c/o McCarthy & Holthus 920 SW 3rd Av., Portland OR 97204

15 e. Oregon Department of Revenue, 955 Center St., Salem OR 97301

16 f. Chapter 7 Trustee, Stephen P Arnot, PO Box 1963, Lake Oswego OR 97035

17 g. Susan Szanto - 11 Shore Pine, Newport Beach CA 92657

18 h. Office of the US Trustee, 620 SW Main Street, Suite 213, Portland, OR 97205
19 by mailing copies to the above parties *via* 1st class mail, postage prepaid, or by
e-mail.

20
21 I declare under penalty of perjury under the laws of the United States
22 that the foregoing is true and correct. Signed at Irvine CA.

23 Dated 4/1/ 2019 /s/ signed electronically M. Reynolds
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